IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4439 OF 2006

Shri Vinodrao Ravso Shinde] .. Petitioner

Versus

1. The Special Land Acquisition Officer and 6 ors.] .. Respondents

Mr. N.J. Patil for the petitioner.

Mr. A.P. Vanarse, AGP, for the respondents No.1 to 6.

CORAM: S.B. MHASE, J.

DATED: 15TH JUNE, 2007

P.C. :

. Heard.

2. The land of the petitioner has been acquired for resettlement of the project affected persons. However, without issuing Notice under Section 12(2) of the Land Acquisition Act, 1894, the Notice under Section 16 of the said Act was issued for taking possession of the said property and, therefore, the petitioner had approached this Court by filing Writ Petition No.6423 of 2006. In the said Petition, this Court directed that after complying with the provisions of Section 12(2), the possession should be taken. Now, the respondents

have filed an Affidavit that Notice under Section 12(2) has been issued and thereafter they are taking possession of the property. Therefore, the legal formalities, prior to taking possession, have been complied with. However, it is brought to the notice of this Court that the awarded amount is not paid to the petitioner. In fact, the petitioner is entitled for the amount so awarded and, therefore, this Court does not find any substance in the Petition except for the fact that the petitioner is entitled for the awarded amount. Therefore, the Petition is disposed of with the following directions:

(a) So far as the obstruction to the possession is concerned, the Petition is without any merit and it is hereby rejected.

(b) The respondents are directed that they shall make payment of the awarded amount, if already not made, within a period of 6 weeks from today.

Sd/-
[S.B. MHASE, J.]